

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1232 be amended to read as follows:

- 1           Page 48, between lines 29 and 30, begin a new paragraph and insert:  
2           "SECTION 63. IC 35-38-1-7.7 IS ADDED TO THE INDIANA  
3           CODE AS A NEW SECTION TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2002]: **Sec. 7.7. (a) At the time of sentencing**  
5           **for an offense, a court shall determine whether, by committing the**  
6           **offense, a person has committed a misdemeanor crime of domestic**  
7           **violence (as defined in 18 U.S.C. 921(a)(33)).**  
8           **(b) A determination under subsection (a) must be based upon:**  
9           **(1) evidence introduced at trial; or**  
10           **(2) a factual basis provided as part of a guilty plea.**  
11           **(c) Upon determining that a defendant has committed a**  
12           **misdemeanor crime of domestic violence, a court shall advise the**  
13           **defendant of the consequences under state and federal law of a**  
14           **conviction for a misdemeanor crime of domestic violence.**  
15           **(d) A judge shall record a determination that a defendant has**  
16           **committed a misdemeanor crime of domestic violence on a form**  
17           **prepared by the division of state court administration.**  
18           **(e) A judge's failure to advise under subsection (c), or a judge's**  
19           **failure to give correct advice under subsection (c), does not affect**  
20           **the validity of the conviction of the offense or the validity of the**  
21           **sentencing for the offense."**  
22           Renumber all SECTIONS consecutively.  
              (Reference is to EHB 1232 as printed February 22, 2002.)

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Senator CLARK